

1 RONALD CRUZ, California Bar No. 267038  
2 SHANTA DRIVER, Michigan Bar No. P65007\*  
3 SCHEFF, WASHINGTON & DRIVER, P.C.  
4 1985 Linden Street  
5 Oakland, CA 94607  
(510) 384-8859 Fax: 313-963-7587  
ronald.cruz@ueaa.net  
Attorneys for Plaintiffs  
\*Admitted *pro hac vice*

6

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 YVETTE FELARCA, et al.

10 **CASE NO.: 4:11-cv-05719-YGR**

11 Plaintiffs,

12 vs.

13 **STIPULATION AND PROPOSED**  
**ORDER TO REVISE CASE**  
**SCHEDULE**

14 ROBERT J. BIRGENEAU, et al.,

15 Date: November 20, 2012

16 Defendants.

17 Time: 2:00 p.m.

18 Ctrm: TBD

19 Judge: Hon. Yvonne Gonzalez Rogers

20 The parties, by and through their respective counsel, stipulate as follows:

21 **I. RECITALS**

22 1. On October 17, 2012, this Court ordered the following schedule for this case, per  
the parties' stipulation, which was entered at the request of the plaintiffs:

23 i. Oppositions to motions filed in response to the Amended  
Complaint were due on October 23, 2012.

24 ii. Replies to oppositions to motions filed in response to the Amended  
Complaint are due on November 6, 2012.

iii. Hearings on any motions filed in response to the Amended  
Complaint shall take place on Tuesday, November 20, 2012, at 2  
p.m.

- 1                          iv. The Case Management Conference is set for December 3, 2012.
- 2       2. This was the second postponement of the current proceedings. The hearing on
- 3                          motions filed in response to the Amended Complaint had previously been
- 4                          scheduled for November 13, 2012, and the Case Management Conference (CMC)
- 5                          had previously been scheduled for September 10, 2012.
- 6       3. Counsel for plaintiffs have requested that defendants stipulate to a rescheduling of
- 7                          the November 20 hearings and the December 3 Initial Case Management
- 8                          Conference. Plaintiffs' lead counsel, Shanta Driver, has been invited to speak at
- 9                          an international conference in London November 21, 2012, the day after the
- 10                         current hearing date for motions responding to the Amended Complaint. She also
- 11                         will prepare for and appear at an immigration hearing in London that week.
- 12       4. The motions to dismiss, if granted, would narrow the issues of this case before the
- 13                         Case Management Conference.
- 14       5. Counsel for the parties have agreed to stipulate to the following briefing schedule,
- 15                         subject to the Court's approval: any replies to oppositions to motions would be
- 16                         due November 13, 2012. (Previously, the Court granted an extension that
- 17                         provided plaintiffs an additional week to prepare their oppositions; this date
- 18                         change would similarly give defendants an additional week to prepare their
- 19                         replies.)
- 20       6. The attorneys have consulted and determined that we are all jointly available on
- 21                         December 4, 2012 for the hearing on motions to dismiss.
- 22       7. The attorneys have consulted and determined that we are all jointly available on
- 23                         December 17, 2012, or a later Monday, for the Initial Case Management
- 24                         Conference.

1  
2       **II. STIPULATION**

- 3       1. Any replies to oppositions to motions filed in response to the Amended Complaint  
4           shall be due on November 13, 2012.  
5       2. Hearings on any motions filed in response to the Amended Complaint shall take  
6           place on Tuesday, December 4, 2012 at 2 p.m., or at such other time as the Court  
7           may order.  
8       3. The Initial Case Management Conference shall take place on Monday, December  
9           17, 2012 at 2 p.m., or at such other time as the Court may order.

10          By the parties' attorneys IT IS SO STIPULATED,

11 Date: October 30, 2012

SCHEFF, WASHINGTON & DRIVER

13          By /s/ Ronald Cruz  
14           RONALD CRUZ  
15           Attorneys for Plaintiffs

16 Date: October 30, 2012

ANDRADA & ASSOCIATES

17          By Lynne G. Stocker  
18           LYNNE G. STOCKER  
19           Attorneys for Defendants  
20           GREGORY AHERN, OFFICER  
21           CHAVEZ, OFFICER GARCIA, OFFICER  
22           KING and OFFICER OBICHERE

23 Dated: October 30, 2012

CROWELL & MORING, LLP

24          By Janine L. Scancarelli  
25           Attorneys for Defendants  
26           ROBERT J. BIRGENEAU, GEORGE  
27           BRESLAUER, HARRY LE GRANDE,

- 1       1. Any replies to oppositions to motions filed in response to the Amended Complaint shall
- 2              be due on November 13, 2012.
- 3       2. Hearings on any motions filed in response to the Amended Complaint shall take place on
- 4              Tuesday, December <sup>3</sup><sub>4</sub>, 2012 at 2 p.m., or at such other time as the Court may order.
- 5       3. The Initial Case Management Conference shall take place on Monday, December 17,
- 6              2012 at 2 p.m., or at such other time as the Court may order.

7              By the parties' attorneys IT IS SO STIPULATED,

8       Date: October 30, 2012

SCHEFF, WASHINGTON & DRIVER

10             By /s/ Ronald Cruz  
11             RONALD CRUZ  
12             Attorneys for Plaintiffs

13       Date: October 30, 2012

ANDRADA & ASSOCIATES

14             By LYNNE G. STOCKER  
15             Attorneys for Defendants  
16             GREGORY AHERN, OFFICER CHAVEZ,  
17             OFFICER GARCIA, OFFICER KING and  
18             OFFICER OBICHERE

19       Dated: October 30, 2012

CROWELL & MORING, LLP

20             By   
21             JANINE L. SCANCARELLI  
22             Attorneys for Defendants  
23             ROBERT J. BIRGENEAU, GEORGE  
24             BRESLAUER, HARRY LE GRANDE, LINDA  
           WILLIAMS, JOHN WILTON, CLAIRE  
           HOLMES, MITCHELL CELAYA

Dated: October 30, 2012

LACKIE, DAMMEIER, MCGILL & ETHIR, APC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

By   
RUSSELL M. PERRY

Attorneys for Defendants  
OFFICER N. HERNANDEZ, OFFICER  
LACHLER and DETECTIVE RICK FLORENDO

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2012

Hon. Yvonne Gonzalez Rogers  
United States District Court Judge